

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO,  
WESTERN DIVISION

TRAVIS J. WYKLE,	)	CASE NO. 3:17-cv-02211
	)	
Plaintiff,	)	JUDGE JEFFREY HELMICK
	)	
vs.	)	MAGISTRATE JUDGE JAMES R. KNEPP, II
	)	
MICHAEL DAVIS, PhD, et al.,	)	<b><u>SEPARATE ANSWER OF DEFENDANTS</u></b>
	)	<b><u>SHULER, SMITH, TURNER, AND JOYCE</u></b>
Defendants.	)	
	)	<b>JURY DEMAND</b>

Defendants Lorri Shuler, Blaire Smith, Neil Turner, and Rebecca Joyce for their Separate Answer to the Complaint:

**FIRST DEFENSE**

1. Admit the filing of this action but deny any denial of constitutional rights and deny all other allegations contained in Plaintiff's basis for jurisdiction and enumerations in paragraphs A, B, C, and D, under II. Basis for Jurisdiction.
2. Deny the allegations contained in paragraphs A, B, C, and D under IV. Statement of Claim.
3. Deny the allegations under the claimed injuries and claimed relief assertions.
4. Deny that Plaintiff properly appealed or exhausted administrative appeals or processes as alleged in paragraph VII of the Complaint.

5. Deny that the Marion County Common Pleas Court Case 2017-CV-0090 is still pending, as that action was dismissed as a final appealable order following a November 17, 2017 hearing in the Marion County, Ohio Court of Common Pleas.

6. Further answering, Defendants assert that this matter, originally signed by Plaintiff October 4, 2017, was attempted to be instituted prior to and during a state court action involving the same issues.

7. Defendants deny each and every allegation contained in the Complaint, save and except those expressly admitted herein to be true.

#### SECOND DEFENSE

8. Plaintiff's claims are barred by *res judicata* as the state court in Marion County Court of Common Pleas Case Number 2017-CV-0090 dismissed Plaintiff's Petition for Mandamus/Procedendo following a hearing on the issues in this matter. Plaintiff failed to appeal any judgment of the state court in Case 2017-CV-0090 of the docket of the Marion County, Ohio Court of Common Pleas.

#### THIRD DEFENSE

9. The Complaint fails to set forth a claim upon which relief might be granted.

#### THIRD DEFENSE

10. There has been a failure of service or failure of process.

#### FOURTH DEFENSE

11. Plaintiff fails to establish any right to relief.

#### FIFTH DEFENSE

12. Defendants have immunity for the claims for relief set forth in the Complaint.

SIXTH DEFENSE

13. Many of Plaintiff's claims are barred by the statute of limitations.

SEVENTH DEFENSE

14. Defendants reserve the right to assert additional defenses as such additional defenses should be become available during the course of discovery herein.

WHEREFORE, having fully answered, these answering Defendants pray the Complaint be dismissed at Plaintiff's costs and that these answering Defendants be permitted to go hence without day.

A TRIAL BY JURY IS DEMANDED HEREIN.

Respectfully submitted,

/s/ Timothy T. Reid

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**CERTIFICATE OF SERVICE**

A copy of the foregoing *Notice of Appearance* was filed electronically this 5<sup>th</sup> day of April 2018. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A copy of the foregoing has been served by U.S. Mail this date to:

Travis J. Wykle #A685105  
NCCC  
PO Box 1812  
Marion, OH 43302  
*Plaintiff pro se*

/s/ Timothy T. Reid  
TIMOTHY T. REID (0007272)  
*Attorneys for Defendants Lorri Shuler,  
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